

Message Text

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DRAFTED BY IO:GADALLEY:FEJ
APPROVED BY IO:GADALLEY
L/UNA - MR. KRECZKO
HA - MR. MAXIM

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FM SECSTATE WASHDC
TO USMISSION GENEVA PRIORITY
INFO USMISSION USUN NEW YORK

C O N F I D E N T I A L STATE 221106

E.O. 11652: GDS

TAGS: SHUM

SUBJECT: WORKING GROUP ON COMMUNICATIONS--UN SUBCOMMISSION
ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORI-
TIES

REF: GENEVA 12957

1. NEWS OF CITATION AGAINST UNITED STATES UNDER SECTION
1503 PROCEDURES ON THE BASIS OF COMPLAINT FILED BY THE
MEMPHIS HUMAN RIGHTS GROUPS SURPRISING. WE HAVE REVIEWED
COMPLAINT, WHICH WAS RECEIVED IN THE DEPARTMENT ON JULY 26,
AND QUESTION WHETHER IT MEETS THE CRITERION OF REVEALING
"A CONSISTENT PATTERN OF GROSS AND RELIABLY ATTESTED
VIOLATIONS OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS" LAID
DOWN IN RESOLUTION 1503. WE ARE WORKING TO PROVIDE A
RESPONSE TO THE ALLEGATIONS IN THE COMPLAINT FOR SUBMISSION
TO THE SUBCOMMISSION FOR ITS CONSIDERATION DURING ITS
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PRESENT MEETING.

2. A SIMILAR COMPLAINT WAS MADE TO THE HUMAN RIGHTS
COMMISSION IN A SERIES OF LETTERS FROM THE MEMPHIS
COMMITTEE ON HUMAN RIGHTS BETWEEN AUGUST 12 AND SEPTEMBER 1,
1977. THESE LETTERS WERE SENT BY AIRGRAM NO. A-257, DATED
OCTOBE, 12, 1977. IN RESPONSE, THE DEPARTMENT WROTE TO THE

ASSISTANT ATTORNEY GENERAL FOR CIVIL RIGHTS IN THE DEPARTMENT OF JUSTICE ON DECEMBER 5, 1977, REQUESTING INFORMATION ON THE ALLEGATIONS OF POLICE BRUTALITY DIRECTED AT THE BLACK COMMUNITY. WE HAVE JUST RECEIVED A RESPONSE TO OUR INQUIRY BY LETTER DATED AUGUST 24, 1978, WHICH CONTAINS INFORMATION SHOWING THAT THE COMPLAINTS HAVE BEEN INVESTIGATED BY THE FBI, WITH A RESULTING PROSECUTION OF A POLICE OFFICER IN ONE INSTANCE. THE LETTER, SIGNED IN THE NAME OF ASSISTANT ATTORNEY GENERAL DREW DAYS FOLLOWS:

"MR. ROBERT M. MAXIM
HUMAN RIGHTS OFFICER FOR
INTERNATIONAL ORGANIZATION AFFAIRS
DEPARTMENT OF STATE
WASHINGTON, D.C.

DEAR MR. MAXIM:

"THIS IS IN REPLY TO YOUR LETTER OF DECEMBER 5, 1977 ENCLOSING LETTERS FROM THE MEMPHIS COMMITTEE ON HUMAN RIGHTS. THE LETTERS, WHICH ALLEGE THAT A NUMBER OF BLACKS HAVE RECENTLY BEEN KILLED BY POLICE OFFICERS IN MEMPHIS, WERE REFERRED TO THE U.S. MISSION TO THE UNITED NATIONS IN GENEVA BY SECRETARY-GENERAL WALDHEIM. PLEASE EXCUSE THE DELAY IN RESPONDING.
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"AN EXAMINATION OF OUR RECORDS INDICATED THAT, IN 1977, THE FBI INITIATED INVESTIGATIONS OF SEVEN ALLEGED DEATHS AT THE HANDS OF LAW ENFORCEMENT OFFICERS IN MEMPHIS. FOUR OF THE CASES HAVE BEEN CLOSED, SINCE THE EVIDENCE DEVELOPED DID NOT WARRANT PROSECUTION UNDER THE FEDERAL CRIMINAL CIVIL RIGHTS LAWS, AND TWO ARE STILL UNDER REVIEW. IN THE 'GUFFIN MURDER CASE', REFERRED TO IN THE LETTER OF AUGUST 12, 1977, WE ARE MONITORING THE LOCAL PROSECUTION OF THE OFFICER INVOLVED. HIS FIRST TRIAL FOR SECOND DEGREE MURDER RECENTLY ENDED IN A HUNG JURY.

"IT IS WORTH NOTING THAT WE HAVE RECENTLY TRIED TWO MEMPHIS POLICE OFFICERS FOR CIVIL RIGHTS VIOLATIONS IN BRUTALITY CASES. ONE OFFICER WAS CONVICTED AND ONE ACQUITTED. YOU CAN BE ASSURED THAT, WHENEVER THE EVIDENCE WARRANTS PROSECUTION OF LAW ENFORCEMENT OFFICERS FOR HUMAN RIGHTS VIOLATIONS, WE DO NOT HESITATE TO TAKE APPROPRIATE ACTION."

3. THE DEPARTMENT HAS BEEN IN CONTACT WITH THE U.S. COMMISSION FOR CIVIL RIGHTS, WHOSE TENNESSEE STATE

ADVISORY COMMITTEE HAS CONDUCTED AN INVESTIGATION OF THE ALLEGATIONS OF SYSTEMATIC POLICE BRUTALITY AGAINST THE

BLACK COMMUNITY OF MEMPHIS AND SHELBY COUNTY. WE HAVE REQUESTED THE ASSISTANCE OF THE COMMISSION IN PROVIDING A DETAILED REPORT ON THE RESULTS OF ITS INVESTIGATION. THE DEPARTMENT WILL FORWARD THE PERTINENT ELEMENTS OF THIS REPORT AS A SUBMISSION TO THE COMMISSION IN RESPONSE TO THE MEMPHIS COMPLAINT.

4. THE DEPARTMENT IS CONCERNED THAT THE LIST OF NATIONS CITED DID NOT INCLUDE THE SOVIET UNION OR ANY NATION FROM EASTERN EUROPE. KNOWING THAT MORE THAN TWENTY THOUSAND COMPLAINTS HAVE BEEN SUBMITTED TO THE COMMISSION, WE ARE CONFIDENTIAL

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SURPRISED THAT THERE WERE NO COMPLAINTS AGAINST THE SOVIET UNION OR EASTERN EUROPEAN NATIONS WHICH COULD RESULT IN THEIR BEING CITED ALONG WITH THE U.S. AND TEN OTHER COUNTRIES FOR HUMAN RIGHTS VIOLATIONS UNDER SECTION 1503 PROCEDURES. IN ORDER TO DETERMINE IF THERE IS A DOUBLE STANDARD APPLIED IN MAKING JUDGMENTS CONCERNING THE CRITERIA FOR THE FINDING OF A CONSISTENT PATTERN OF GROSS AND RELIABLY ATTESTED VIOLATIONS OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS UNDER THE COMMISSION'S PROCEDURES, MISSION IS REQUESTED TO MAKE INQUIRIES CONCERNING THE STATUS OF COMPLAINTS AGAINST THE SOVIET UNION AND REPORT ITS FINDINGS TO THE DEPARTMENT. WE WOULD ALSO APPRECIATE VIEWS ON APPROPRIATENESS OF CITATION ON BASIS OF SINGLE COMPLAINT.

5. WHILE WE QUESTION WHETHER SINGLE COMPLAINT MEETS CRITERION LAID OUT IN RESOLUTION 1503 AND WHILE WE ARE CURIOUS AS TO OMISSION OF CITATION OF ANY EASTERN EUROPEAN STATE, WE INTEND TO FULLY INVESTIGATE MATTER AND ATTEMPT TO RESOLVE ISSUE. MISSION SHOULD AVOID ANY SUGGESTION THAT U.S. IS CHALLENGING OR IS IN ANY WAY UNWILLING TO COOPERATE WITH UNHRC PROCEDURES. CHRISTOPHER

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